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UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST, Plaintiff, **v.** MOTOROLA, INC., a Delaware corporation; and DOES 1-100, Defendants	Case No.: 08-cv-0136-BTM-CAB **DECLARATION OF ERIC J. LOBENFELD IN SUPPORT OF MOTOROLA'S MOTION TO STAY THE LITIGATION AND FOR ATTORNEYS' FEES AND COSTS**

I, Eric J. Lobenfeld, declare as follows:

1. I am a member of the bar of the State of New York, and have been admitted *pro hac vice* by the Court to the Southern District of California for the limited purpose of participating in the above captioned action. I am a member of the law firm Hogan & Hartson L.L.P., 875 Third Avenue, New York, New York 10022, counsel for the Defendant Motorola Inc.

("Motorola").

2. Attached hereto as Exhibit 1 is a true and correct copy of the United States Patent and Trademark Office's Order Granting Request for Ex-Parte Reexamination of U.S. Patent No. 4,935,184, issued on October 11, 2007.

3. Attached hereto as Exhibit 2 is a true and correct copy of this Court's Order Granting in Part and Denying in Part Defendant's Motion to Stay, dated September 10, 2007 in the case of *Sorensen v. Black and Decker Corp. et al.*, U.S. District Court, Southern District of California, Case No. 06-cv-1572 BTM (CAB).

4. Attached hereto as Exhibit 3 is a true and correct copy of the United States Patent and Trademark Office's Order Granting Request for Ex-Parte Reexamination of U.S. Patent No. 4,935,184, issued on February 21, 2008.

5. Attached hereto as Exhibit 4 is a true and correct copy of this Court's Order Granting Defendant's Motion to Stay Pending Patent Reexamination, dated February 28, 2008 in the case of *Sorensen v. Giant Int'l, et al.*, U.S. District Court, Southern District of California, Case No. 07-cv-2121 BTM (CAB).

6. Attached hereto as Exhibit 5 is a true and correct copy of this Court's Order RE: (1) Plaintiff's Request for Default and (2) Defendant's Motion for Stay Pending Patent Reexamination, dated February 28, 2008 in the case of *Sorensen v. Helen of Troy, et al.*, U.S. District Court, Southern District of California, Case No. 07-cv-2278 BTM (CAB).

7. Attached hereto as Exhibit 6 is a true and correct copy of this Court's Order Granting Defendant's Motion for Stay Pending Reexamination Proceedings, dated March 19, 2008 in the case of *Sorensen v. Esseplast USA, Inc., et al.*, U.S. District Court, Southern District of California, Case No. 07-cv-2277 BTM (CAB).

8. Attached hereto as Exhibit 7 is a true and correct copy of this Court's Order Granting Defendant's Motion for Stay Pending Reexamination Proceedings, dated March 19, 2008 in the case of *Sorensen v. Energizer Holdings, Inc., et al.*, ("*Energizer*")U.S. District

Court, Southern District of California, Case No. 07-cv-2321 BTM (CAB).

9. Attached hereto as Exhibit 8 is a true and correct copy of the correspondence between Motorola and Plaintiff Jens Erik Sorensen as Trustee of Sorensen Research and Development Trust ("Sorensen"), through their respective counsel, reflecting Motorola's efforts to reach an agreement with Sorensen regarding a stay of this litigation.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 9th day of April, 2008, New York, New York.

HOGAN & HARTSON LLP

By: /S/

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CERTIFICATE OF SERVICE

I hereby certify that copies of DEFENDANT MOTOROLA INC.'S ANSWER AND COUNTERCLAIMS, NOTICE OF MOTION AND MOTION TO STAY THE LITIGATION AND MOTION FOR COSTS AND ATTORNEYS' FEES, MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF ITS MOTION TO STAY THE LITIGATION PENDING THE OUTCOME OF REEXAMINATION PROCEEDINGS AND ITS MOTION FOR COSTS AND ATTORNEYS' FEES and the foregoing DECLARATION OF ERIC J. LOBENFELD IN SUPPORT OF MOTOROLA, INC.'S MOTION TO STAY THE LITIGATION AND FOR COSTS AND ATTORNEYS' FEES were on this date served on all counsel of record by the CM/ECF system of this Court through the generation of a "Notice of Electronic Filing" sent to their last known addresses as follows:

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in New York, New York on this day, April 9, 2008.

By:__/S/________________________________
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